

REMARKS

Applicant submits that the present application, as currently amended, is in condition for allowance.

Claims 1-3, 8-10 and 14-19 are pending, with claims 1-3 and 8-10 amended, claims 14-19 added, and claims 4-7 and 11-13 cancelled without prejudice or disclaimer by the present amendment.

In the Official Action, claims 1, 2, 8 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ko et al. (U.S. Patent Publication 2001/0033537, hereinafter Ko); and claims 3, 9 and 10 were indicated as containing allowable subject matter.

Applicant acknowledges with appreciation the indication of allowable subject matter.

Claims 1 is amended and claim 14 is added to recite additional features disclosed in Applicant's originally filed specification.¹ Claims 2-3 and 8-10 are amended to maintain antecedent basis. No new matter is added.

Briefly recapitulating amended claims is directed to

A method of defect management for an optical recording medium having a plurality of temporary defect management areas, the method comprising a step of

recording temporary defect management information in the plurality of temporary defect management areas, the step of recording including

recording, in a first temporary defect management area, first temporary defect management information generated when recording to the recording medium, and

recording, in a second temporary defect management area, second temporary defect management information generated *in response to an eject signal*,

wherein the first and second temporary defect management areas are separately located in the recording medium.

¹ Specification, Fig. 3A-3B

Claim 14 is directed to an optical recording medium including, *inter alia*, a second temporary defect management area containing second temporary defect management information generated in response to an eject signal

Ko describes a method a method for verifying that a defect matched to a Defect Management Area (DMA) information on a disc is correctly recorded and updated. In particular, Ko describes a DMA that is repeatedly recorded in four portions on a disc; two portions in a leading area and two portions in a lead out area². Ko further describes that DMA information is generated only time in a mode of initialization without certification³.

However, Ko does not disclose or suggest recording Applicant's claimed temporary defect management area (TDMA). That is, as shown in Applicant's background art, a disc may include a DMA area and a TDMA area. Ko only describes a DMA area and does not disclose or suggest any TDMA areas.

Furthermore, Ko does disclose or suggest recording any information in a second temporary defect management area where the second temporary defect management information is generated in response to an eject signal as recited in claim 1 and new claim 14.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Ko does not disclose or suggest all of the features recited in claims 1 and 14, Ko does not anticipate the invention recited in claims 1 and 14, and all claims depending therefrom.

²Ko paragraph 0005

³ Ko paragraph 0030

Conclusion

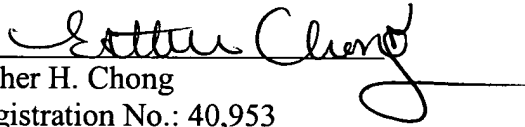
In view of the above remarks, it is believed that claims clearly distinguish over the reference used by the Examiner. Favorable reconsideration of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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